

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
KNOXVILLE DIVISION

ANDREW JOSTEN LOVINGOOD,	)	
	)	
Plaintiff,	)	3:19-CV-00009-DCLC
	)	
vs.	)	
	)	
DERRICK GRAVES	)	
and BILL JOHNSON,	)	
	)	
Defendants	)	

**ORDER**

On July 9, 2021, the parties filed a Joint Motion to Continue Trial Date [Doc. 58]. Trial in this case is currently set for August 24, 2021. Counsel for Plaintiff states that he currently has a criminal trial scheduled before the undersigned on August 10, 2021, and he “will not be able to prepare the *Lovingood* matter for trial with less than two weeks between these trial dates.” [*Id.* at pg. 1]. Previously on January 21, 2021, the Court continued this case because of an unavoidable scheduling conflict that Plaintiff’s counsel represented existed with another federal case that prevented this Court from proceeding as scheduled.<sup>1</sup> See [Doc. 54]. The criminal case was last continued on March 19, 2021. See *United States v. Charles Wallace*, 2:19-CR-00151, [Doc. 447] (E.D. Tenn. Mar. 19, 2021). Counsel for Plaintiff has known of the timeframe between the two cases for almost four months. Further, this case has been pending for over two and a half years, since January 5, 2019. Therefore, while the Court is sympathetic to the passing of Plaintiff’s father

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<sup>1</sup> As it turns out, the conflicting case was also continued the day after. See *Adams v. Blount County, et al.*, No. 3:17-CV-313-KAC-DCP, [Doc. 212] (E.D. Tenn. Jan. 22, 2021).

in May, counsel for Plaintiff has not demonstrated good cause for a continuance of the trial date in this case.

The motion also notes that “[c]ounsel for Defendant Johnson currently has a matter scheduled for trial the week of August 24, 2021 in the Eastern District Court of Tennessee. *See Roysdon v. Morgan County et al.*” [Doc. 58, pgs. 1-2]. However, the motion does not give any other identifying information for this case, and the Court is unable to find this case, or any other case with Mr. Knight, set for trial on August 24 in the federal court of the Eastern District of Tennessee.

Therefore, the motion [Doc. 58] is **DENIED**. To accommodate the criminal trial, the Court shall **RESET** the Final Pretrial Conference from August 10, 2021 to **August 17, 2021, at 1:30 p.m.** The trial shall remain set for August 24, 2021.

SO ORDERED:

s/ Clifton L. Corker  
United States District Judge